



Federal Communications Commission
Washington, D.C. 20554

November 28, 2007

DA 07-4736

Released: November 28, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Channel 49 Acquisition Corporation
KTEN(TV)
c/o Brooks, Pierce, et al.
P.O. Box 1800
Raleigh, NC 27602

Re: Channel 49 Acquisition Corporation
KTEN(TV), Ada, OK
Facility ID No. 35666
File No. BRCT-20060131AFY

Dear Licensee:

This refers to your license renewal application for station KTEN(TV), Ada, Oklahoma.

Section 73.3526 of the Commission's Rules (Rules) requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ As set forth in Section 73.3526(e)(11)(i) of the Rules, a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter by the tenth day of the succeeding calendar quarter. In addition, pursuant to Section 73.3526(e)(11)(ii), each commercial television broadcast station is required to place in its public inspection file, on a quarterly basis, records sufficient to allow substantiation of the licensee's certification, in its renewal application, of its compliance with the children's television commercial limits imposed by Section 73.670 of the Rules.² Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.³

On January 31, 2006, you filed the above-referenced license renewal application for station KTEN(TV). In Exhibit 17 to the renewal application, you stated that a recent review of the station's public inspection file revealed that records regarding compliance with the commercial

¹ See 47 C.F.R. § 73.3526.

² See 47 C.F.R. § 73.670.

³ See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

limits on children's programming for the third and fourth quarters of 1998 and the TV issues/programs list for the fourth quarter of 1998 were missing. You indicated that you were unable to find copies of the missing documents, which you believe were misplaced during the station's move approximately one year ago. You maintained that new versions of the missing records have been prepared based on available information and placed in the public inspection file.

Although we do not rule out more severe sanctions for violations of this nature in the future, based upon the record before us we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526 Rules described in station KTEN(TV)'s renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to the licensee at the address listed above, and to its counsel, Mark J. Prak, Esquire, Brooks Pierce, McLendon Humphrey & Leonard LLP, P.O. Box 1800, Raleigh, North Carolina 27602.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau